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PATENT APPLICATION

ATTORNEY DOCKET NO. 10010811-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Tim M. Hoberock et al.

Confirmation No.: 1586

Application No.: 09/976,068

Examiner: TRAN, Ellen C.

Filing Date: October 11, 2001

Group Art Unit: 2134

Title: Computer or Computer Resource Lock Control Device and Method of Implementing Same

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEFTransmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on April 13, 2007

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month
\$120

☐ 2nd Month
\$450

☐ 3rd Month
\$1020

☐ 4th Month
\$1590

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 500 . At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

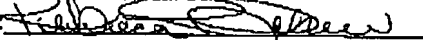
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Typed Name: Rebecca B. Schow

Signature: 

Respectfully submitted,

Tim M. Hoberock et al.

By: 

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Application No.: 09/976,068

Attorney Docket No.: 10010811-1

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Transmitted, herewith, are the following documents:

1. Transmittal of Appeal Brief with Duplicate Copy (2 pages)
2. Certificate of Transmission (1 page)
3. Appeal Brief (28 pages)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Patent Application of

Tim M. Hoberock et al.

Application No. 09/976,068

Filed: October 11, 2001

For: Computer or Computer Resource
Lock Control Device and Method
of Implementing Same

Group Art Unit: 2134

Examiner: TRAN, Ellen C.

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an Appeal Brief under Rule 41.37 appealing the decision of the Primary Examiner dated December 20, 2006 (the "final Office Action"). Each of the topics required by Rule 41.37 is presented herewith and is labeled appropriately.

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I. Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. Related Appeals and Interferences

There are no appeals or interferences related to the present application of which the Appellants are aware.

III. Status of Claims

Original claims 8 and 17-20 have been cancelled previously without prejudice or disclaimer. Thus, claims 1-7, 9-16 and 21-28 are currently pending for review. Accordingly, Appellant appeals from the final rejection of claims 1-7, 9-16 and 21-28, which claims are presented in the Appendix.

IV. Status of Amendments

Following the final Office Action of December 20, 2006, Appellant filed a single after-final response dated February 14, 2007. However, that response proposed no amendments to the application. Consequently, its entry into the record can have no effect on the content of the claims presented in this appeal.

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V. Summary of Claimed Subject Matter

Appellant's specification describes a system for controlling use of a piece of office equipment or a particular resource available through that piece of equipment. In one example, a system may include a piece of office equipment; and a lock control device connected to that piece of office equipment. The lock control device is activated by presentation of an identifier of an authorized user. The lock control device controls user operation of the office equipment by enabling operation of the office equipment or a resource available through that office equipment to the authorized user. (*Applicant's specification, paragraph 0015*).

The office equipment so secured may be, for example, a computer or computer terminal. The lock control device may be, for example, a proximity card sensor or a magnetic card reader. Preferably, the lock control device is connected to the computer or computer terminal via a daisy chain connector that also connects one or more user input devices to the computer or computer terminal. (*Applicant's specification, paragraph 0016*).

In other embodiments, the lock control device controls may be used to control access to a particular application residing on the computer or accessible through the computer terminal. The lock control device may also control access to other resources available on or through the computer or computer terminal such as a network or network server. (*Applicant's specification, paragraph 0017*).

Preferably, the secured computer or computer terminal has a timer for timing periods during which the computer or computer terminal receives no user input. The computer or computer terminal enters a locked state upon elapse of a pre-determined period during which no user input is received. An authorized user may unlock the computer or computer terminal by operating the lock control device (*Applicant's specification, paragraph 0018*).

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The principles described herein are not limited to the system summarized above, but also encompasses variations of this system as well the methods of making and operating the system. For example, a method for controlling use of a piece of office equipment or a particular resource available through that piece of equipment may be performed by enabling operation of the piece of office equipment or a resource available through that office equipment to an authorized user upon presentation of an identifier of the authorized user to a lock control device connected to the piece of office equipment.

(Applicant's specification, paragraph 0019).

Turning to specific claims:

Claim 1 recites:

A system for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said system comprising:

a piece of office equipment (e.g., 100) comprising a timer for timing periods during which said equipment receives no user input through a keyboard (103) or mouse (104), wherein said equipment automatically enters a locked state upon elapse of a pre-determined period measured by said timer during which no user input through a keyboard or mouse is received *(Applicant's specification, paragraph 0032)*; and

a lock control device (e.g., 120, 130) connected to said piece of office equipment, wherein said lock control device is activated to unlock said equipment upon presentation of a physical identifier (e.g., 121, 131) of an authorized user to a sensor of said lock control device, said sensor sensing a physical presence of said identifier and recognizing said identifier to identify said authorized user *(Applicant's specification, paragraph 0033)*,

wherein said lock control device controls user operation of said office equipment by selectively enabling operation of said office equipment or a resource available through that office equipment based on sensing and recognizing said identifier of said authorized user *(Applicant's specification, paragraph 0036)*.

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Claim 9 recites:

A method for controlling use of a piece of office equipment (e.g., 100) or a particular resource available through that piece of equipment, said method comprising:

timing a period during which said equipment receives no user input through a keyboard or mouse, and placing said equipment or a resource available through said equipment into a locked state upon elapse of a pre-determined period during which no user input through a keyboard or mouse is received (*Applicant's specification, paragraph 0032*); and

re-enabling operation of said piece of office equipment or a resource available through that office equipment to an authorized user upon presentation of an identifier of said authorized user to a sensor of a lock control device (e.g., 120, 130) connected to said piece of office equipment, wherein said sensor senses and recognizes said identifier to identify said authorized user (*Applicant's specification, paragraph 0035*).

Claim 22 recites:

A system for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said system comprising:

a piece of office equipment (e.g., 100) comprising a timer for timing periods during which said equipment receives no user input, wherein said equipment automatically enters a locked state upon elapse of a first predetermined period of time during which no user input is received (*Applicant's specification, paragraph 0032*); and

a lock control device (e.g., 120, 130) connected to said piece of office equipment, wherein said lock control device is configured to unlock said piece of office equipment upon presentation of an identifier (e.g., 121, 131) of an authorized user to a sensor of said lock control device, said sensor sensing and recognizing said identifier to identify said authorized user (*Applicant's specification, paragraph 0033*),

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wherein a user initially unlocks said piece of office equipment with entry of at least one password (*Applicant's specification, paragraph 0037*); and

wherein said lock control device then allows said user to unlock said piece of office equipment with presentation of said identifier and without re-entry of said at least one password (*Applicant's specification, paragraph 0036*), said lock control device being active to unlock said piece of office equipment during a second predetermined period of time following entry of said at least one password, with re-entry of said password being required to unlock said piece of office equipment after elapse of said second predetermined period of time, said second predetermined period of time being longer than said first predetermined period of time (*Applicant's specification, paragraph 0037*).

Claim 23 recites:

A system for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said system comprising:

a piece of office equipment (e.g., 100) comprising a timer for timing periods during which said equipment receives no user input, wherein said equipment automatically enters a locked state upon elapse of a pre-determined period measured by said timer during which no user input is received (*Applicant's specification, paragraph 0032*); and

a lock control device (e.g., 120, 130) connected to said piece of office equipment, wherein said lock control device is activated to unlock said equipment upon presentation of an identifier (e.g., 121, 131) of an authorized user to a sensor of said lock control device, said sensor sensing and recognizing said identifier to identify said authorized user (*Applicant's specification, paragraph 0033*),

wherein said lock control device controls user operation of said office equipment by selectively enabling operation of said office equipment or a resource available through that office equipment based on sensing and recognizing said identifier of said authorized user (*Applicant's specification, paragraph 0036*);

wherein said identifier comprises a credit card (*Applicant's specification, paragraph 0042*).

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Claim 26 recites:

A method for controlling use of a piece of office equipment (e.g., 100) or a particular resource available through that piece of equipment, said method comprising:

timing a period during which said equipment receives no user input and placing said equipment or a resource available through said equipment into a locked state upon elapse of a first predetermined period during which no user input is received (*Applicant's specification, paragraph 0032*); and

re-enabling operation of said piece of office equipment or a resource available through that office equipment to an authorized user upon presentation of an identifier of said authorized user to a sensor of a lock control device (e.g., 120, 130) connected to said piece of office equipment, wherein said sensor senses and recognizes said identifier to identify said authorized user (*Applicant's specification, paragraph 0035*);

said method further comprising:

initially unlocking said piece of office equipment with entry of at least one password (*Applicant's specification, paragraph 0037*);

allowing a user to subsequently unlock said piece of office equipment by presentation of said user identifier rather than re-entry of said at least one password (*Applicant's specification, paragraph 0036*); and

unlocking said piece of office equipment with said identifier for a second predetermined period after entry of said at least one password, with re-entry of said password being required to unlock said piece of office equipment after elapse of said second predetermined period of time, said second predetermined period of time being longer than said first predetermined period of time (*Applicant's specification, paragraph 0037*).

Claim 27 recites:

A method for controlling use of a piece of office equipment (e.g., 100) or a particular resource available through that piece of equipment, said method comprising:

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timing a period during which said equipment receives no user input and placing said equipment or a resource available through said equipment into a locked state upon elapse of a pre-determined period during which no user input is received (*Applicant's specification, paragraph 0032*); and

re-enabling operation of said piece of office equipment or a resource available through that office equipment to an authorized user upon presentation of an identifier of said authorized user to a sensor of a lock control device (e.g., 120, 130) connected to said piece of office equipment, wherein said sensor senses and recognizes said identifier to identify said authorized user (*Applicant's specification, paragraph 0035*);

wherein said identifier comprises a credit card (*Applicant's specification, paragraph 0042*).

VI. Grounds of Rejection to be Reviewed on Appeal

In the final Office Action of December 20, 2007, the following grounds of rejection were made.

(1) Claims 1-3, 6, 9-11, 14, 16, 23 and 27 were rejected as being anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 6,189,105 to Lopes ("Lopes").

(2) Claims 21, 22, 25 and 26 were rejected under 35 U.S.C. § 103(a) over the teachings of Lopes taken alone.

(3) Claims 4, 5, 7, 12, 13, 15, 24 and 28 were rejected under 35 U.S.C. § 103(a) over the combined teachings of Lopes and U.S. Patent No. 6,823,451 to Gulick et al. ("Gulick").

Accordingly, the Appellant request review in this appeal of these grounds of rejection in view of the following arguments.

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VII. Argument

(1) Claims 1-3, 6, 9-11, 14, 16, 23 and 27 are patentable over Lopes

Claims 23 and 27:

Claim 23 recites:

A system for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said system comprising:
a piece of office equipment comprising a timer for timing periods during which said equipment receives no user input, wherein said equipment automatically enters a locked state upon elapse of a pre-determined period measured by said timer during which no user input is received; and

a lock control device connected to said piece of office equipment, wherein said lock control device is activated to unlock said equipment upon presentation of an identifier of an authorized user to a sensor of said lock control device, said sensor sensing and recognizing said identifier to identify said authorized user,

wherein said lock control device controls user operation of said office equipment by selectively enabling operation of said office equipment or a resource available through that office equipment based on sensing and recognizing said identifier of said authorized user.

wherein said identifier comprises a credit card.

(Emphasis added).

Similarly, claim 27 recites:

A method for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said method comprising:
timing a period during which said equipment receives no user input and placing said equipment or a resource available through said equipment into a locked state upon elapse of a pre-determined period during which no user input is received; and

re-enabling operation of said piece of office equipment or a resource available through that office equipment to an authorized user upon presentation of an identifier of said authorized user to a sensor of a lock control device connected to said piece of office equipment, wherein said sensor senses and recognizes said identifier to identify said authorized user;

wherein said identifier comprises a credit card.

(Emphasis added).

In contrast, Lopes does not teach or suggest a system or method for controlling use of a piece of office equipment or a resource available through a piece of office equipment that involves a credit card as an identifier of an authorized user. Rather, Lopes teaches a

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"proximity badge 100," not a credit card. Lopes teaches that "the computer 130 searches for indication of receipt of a binary coded message from a proximity badge 100. Upon receipt of a binary coded message, the proximity reader 120 compares the received coded message with authorizing codes contained in a secure database in step 204 to determine if the detected proximity badge 100 is authorized to use the particular computer 130 in which the system is installed." (Lopes, col. 4, lines 22-30).

Thus, while Lopes teaches a proximity badge, Lopes does not teach, suggest or even mention the use of a credit card in the manner claimed. Nevertheless, according to the final Office Action, "Lopes teaches utilizing a plastic card as an identifier, a credit card is a plastic card; there is no indication in the claims that the credit card is anything more than a plastic card." (Action of 12/20/06, p. 2). This argument is unreasonable, devoid of common sense and clearly incorrect. There are many examples of plastic cards that are not, and cannot perform the function of, a credit card.

Even those not skilled in this art know what a credit card is. In case the Office is unclear on this point, a credit card is "a card that identifies a person as entitled to have food, merchandise, services, etc., billed on a charge account." (<http://dictionary.reference.com>).

In contrast, a "proximity card" is "a plastic card carrying electronically coded information accessed by holding the card near a reading device. Proximity cards are often used to open doors as part of a security system." (<http://encarta.msn.com/encnet/features/dictionary>). This is entirely consistent with the description of the proximity card described above in the cited portion of Lopes.

Consequently, it is absolutely clear that a proximity card is not, and need not be, a credit card. Applicant has reviewed all portions of Lopes and finds absolutely no mention of a credit card and, certainly, no teaching of a credit card used as an identifier of an authorized

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user to unlock a piece of office equipment or resource available through that piece of equipment. Lopes does not even even mention a credit card.

In the Advisory Action, the Examiner continues to ignore the clear distinction between a credit card and a proximity card. According to the Advisory Action, "[u]sing the broadest reasonable interpretation, the Examiner equates the proximity card to a credit card." (Advisory Action of 3/16/07, p. 2). However, as demonstrated above, the Examiner is well beyond the broadest reasonable interpretation of Appellant's claims in this regard.

Also in the Advisory Action, "the Examiner notes that Applicant does not claim the credit card is used to purchase food, merchandise, services, etc." (*Id.*). This, however, is completely irrelevant. Appellant is not required to include a definition of every term in a claim. Doing so would be ridiculous and unworkable. Nevertheless, Appellant is entitled to rely on the well-understood meaning of terms both as used in the specification and in the relevant art. *Envirotech Corp. v. Al George, Inc.*, 730 F.2d 753, 759, 221 U.S.P.Q. 473 (Fed. Cir. 1984). This the Examiner is refusing to allow Appellant to do.

Finally, the Advisory Action notes that "Applicant uses the term 'proximity card' throughout the disclosure." (Advisory Action of 3/16/07, p. 2). This is correct, but irrelevant. Appellant's specification does discuss, in some embodiments, the use of a proximity card. However, Appellant's specification does not confuse, as does the Examiner, the clear difference between a proximity card and a credit card.

In sum, it is utterly unreasonable for the Examiner to take the position that Lopes teaches the claimed method including using a credit card when Lopes does not even mention a credit card. "A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed.

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Cir. 1987) (emphasis added). See M.P.E.P. § 2131. For at least these reasons, the rejection of claims 23 and 27 should not be sustained.

Claims 1 and 9:

Claim 1 recites:

A system for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said system comprising:

a piece of office equipment comprising a timer for timing periods during which said equipment receives no user input through a keyboard or mouse, *wherein said equipment automatically enters a locked state upon elapse of a pre-determined period measured by said timer during which no user input through a keyboard or mouse is received*; and

a lock control device connected to said piece of office equipment, wherein said lock control device is activated to unlock said equipment upon presentation of a physical identifier of an authorized user to a sensor of said lock control device, said sensor sensing a physical presence of said identifier and recognizing said identifier to identify said authorized user,

wherein said lock control device controls user operation of said office equipment by selectively enabling operation of said office equipment or a resource available through that office equipment based on sensing and recognizing said identifier of said authorized user.

(Emphasis added).

Similarly, claim 9 recites:

A method for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said method comprising:

timing a period during which said equipment receives no user input through a keyboard or mouse, and *placing said equipment or a resource available through said equipment into a locked state upon elapse of a pre-determined period during which no user input through a keyboard or mouse is received*; and

re-enabling operation of said piece of office equipment or a resource available through that office equipment to an authorized user upon presentation of an identifier of said authorized user to a sensor of a lock control device connected to said piece of office equipment, wherein said sensor senses and recognizes said identifier to identify said authorized user.

(Emphasis added).

In contrast, Lopes teaches:

A method and apparatus for continuously authorizing a computer for use. A proximity detection system provides a coded message from a badge on an authorized

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user to a proximity reader in communication with the computer. ... If an authorizing code is not received, a desired feature of the computer (e.g., the display, the keyboard, the mode of the processor) is disabled until the authorized user again enters the proximity zone of the computer.

(Lopes, abstract).

Thus, Lopes teaches disabling the use of a computer upon failure to detect a coded message on a badge, i.e., a proximity card, worn by an authorized user. Lopes has not been shown to teach or suggest the claimed system or method including "placing said equipment or a resource available through said equipment into a locked state upon elapse of a pre-determined period during which no user input *through a keyboard or mouse* is received." (Emphasis added). Clearly, locking a computer upon failure to detect a proximity card is different than locking a computer due to lack of input through a keyboard or mouse as claimed.

On this point, the Advisory Action argues that "Lopes indicates that this can be performed synchronously with keyboard entry." (Advisory Action of 3/16/07, p. 2). While it is unclear what exactly the Advisory Action means by this argument, the final Office Action referred to Lopes at col. 6, lines 38-50. This portion of Lopes teaches that when detecting the presence of a proximity card, the system can also detect the corresponding presence of a person using, for example, input from a keyboard. According to Lopes, "the proximity system may include a detection of the presence of an object (i.e., a person) synchronously with the detection of an authorized proximity detector. For instance, FIG. 4 shows a process for synchronously detecting the presence of a person in proximity to the computer together with a check of authority of the detected person. In FIG. 4, presence of a person is detected in step 482. Presence may be determined in any of a number of ways, e.g., by detection of a keypress on the keyboard." (Lopes, col. 6, lines 38-50).

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As stated clearly by Lopes, this detection of keyboard input is to verify the presence of a person already indicated by detection of that persons authorization using the proximity detector and proximity card or badge discussed earlier. This has nothing whatsoever to do with locking the computer or other resource in the first place based on the *absence* of input through a mouse or keyboard. Consequently, the arguments of the Advisory Action in this regard are totally inapposite to the claimed subject matter.

Lopes does not teach or suggest, nor is it inherent in Lopes, that the computer is placed into a locked state based on a lack of user input *through a keyboard or mouse* as claimed. Thus, Lopes does not teach or suggest "wherein said equipment automatically enters a locked state upon elapse of a pre-determined period measured by said timer during which no user input through a keyboard or mouse is received."

"A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. For at least these reasons, the rejection of claims 1 and 9 and their respective dependent claims should not be sustained.

(2) Claims 21, 22, 25 and 26 are patentable over Lopes

Claim 22 recites:

A system for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said system comprising:

a piece of office equipment comprising a timer for timing periods during which said equipment receives no user input, wherein said equipment automatically enters a locked state upon elapse of a first predetermined period of time during which no user input is received; and

a lock control device connected to said piece of office equipment, wherein said lock control device is configured to unlock said piece of office equipment upon presentation of an identifier of an authorized user to a sensor of said lock control

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device, said sensor sensing and recognizing said identifier to identify said authorized user,

wherein a user initially unlocks said piece of office equipment with entry of at least one password; and

wherein said lock control device then allows said user to unlock said piece of office equipment with presentation of said identifier and without re-entry of said at least one password, said lock control device being active to unlock said piece of office equipment during a second predetermined period of time following entry of said at least one password, with re-entry of said password being required to unlock said piece of office equipment after elapse of said second predetermined period of time, said second predetermined period of time being longer than said first predetermined period of time.

(Emphasis added).

Claim 26 similarly recites:

A method for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said method comprising:

timing a period during which said equipment receives no user input and placing said equipment or a resource available through said equipment into a locked state upon elapse of a first predetermined period during which no user input is received; and

re-enabling operation of said piece of office equipment or a resource available through that office equipment to an authorized user upon presentation of an identifier of said authorized user to a sensor of a lock control device connected to said piece of office equipment, wherein said sensor senses and recognizes said identifier to identify said authorized user;

said method further comprising:

initially unlocking said piece of office equipment with entry of at least one password;

allowing a user to subsequently unlock said piece of office equipment by presentation of said user identifier rather than re-entry of said at least one password; and

unlocking said piece of office equipment with said identifier for a second predetermined period after entry of said at least one password, with re-entry of said password being required to unlock said piece of office equipment after elapse of said second predetermined period of time, said second predetermined period of time being longer than said first predetermined period of time.

(Emphasis added).

Thus, claims 22 and 26 recite that a password is entered to initially unlock a piece of office equipment for a predetermined period of time during which a separate identifier can be used instead of the password to unlock the equipment, "with re-entry of said password being required to unlock said piece of office equipment [only] after elapse of said second

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predetermined period of time.” Thus, Appellant recites, not just initially unlocking a piece of office equipment with a password, but timing a “second predetermined period of time” during which the password need not be re-entered if another identifier, as claimed, is used. The Advisory Action fails to respond to all of the subject matter recited by Appellant in claims 22 and 26.

In contrast to claims 22 and 26, Lopes does not teach or suggest initially unlocking a piece of office equipment with a password *and* then timing a “second predetermined period of time” during which the password need not be re-entered if another identifier, as claimed, is used. In this regard, the Office Action cites Lopes at col. 5, lines 23-39 and col. 8, lines 10-22. (Action of 12/20/06, p. 8).

Col. 5 of Lopes, as cited, teaches a period of time between checks that seek to detect the presence of a proximity badge on an authorized user. This is entirely without reference to any use of a password or a period of time initiated by entry of a password.

Col. 8 of Lopes, as cited, teaches: “[w]hile all embodiments herein provide continuous security of a computer (as opposed to the conventional method of password entry to provide a one-time authority check), the present invention does not preclude and in fact prefers the use of passwords in addition to the continuous authorization in accordance with the principles of the present invention to provide increased security.” This statement appears to merely refer to the initial use of a password to access a resource without addressing the additionally claimed subject matter of timing a predetermined period of time during which a separate identifier can be used instead of the password to unlock the equipment, “with re-entry of said password being required to unlock said piece of office equipment after elapse of said second predetermined period of time.”

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Thus, Lopes does not teach or suggest the subject matter of claims 22 and 26. Moreover, the final Office Action fails to demonstrate how or where Lopes teaches this subject matter. "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j). For at least these reasons, the rejections of claims 22 and 26 should not be sustained.


(3) Claims 4, 5, 7, 12, 13, 15, 24 and 28 are patentable over Lopes and Gulick

This rejection is respectfully traversed for at least the same reasons given above in regard to the patentability of the corresponding independent claim.

In view of the foregoing, it is submitted that the final rejection of the pending claims is improper and should not be sustained. Therefore, a reversal of the Rejection of December 20, 2006 is respectfully requested.

Respectfully submitted,

DATE: June 12, 2007


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VIII. CLAIMS APPENDIX

1. (previously presented) A system for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said system comprising:

a piece of office equipment comprising a timer for timing periods during which said equipment receives no user input through a keyboard or mouse, wherein said equipment automatically enters a locked state upon elapse of a pre-determined period measured by said timer during which no user input through a keyboard or mouse is received; and

a lock control device connected to said piece of office equipment, wherein said lock control device is activated to unlock said equipment upon presentation of a physical identifier of an authorized user to a sensor of said lock control device, said sensor sensing a physical presence of said identifier and recognizing said identifier to identify said authorized user,

wherein said lock control device controls user operation of said office equipment by selectively enabling operation of said office equipment or a resource available through office equipment based on sensing and recognizing said identifier of said authorized user.

2. (original) The system of claim 1, wherein said piece of office equipment is a computer or computer terminal.

3. (previously presented) The system of claim 1, wherein said lock control device comprises a proximity card sensor.

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4. (previously presented) The system of claim 1, wherein said lock control device comprises a magnetic card reader.

5. (previously presented) The system of claim 2, wherein said lock control device is connected to said computer or computer terminal via a connection that also connects a keyboard to said computer or computer terminal.

6. (original) The system of claim 2, wherein said lock control device controls access to a particular application residing on said computer or accessible through said computer terminal.

7. (original) The system of claim 2, further comprising a computer network with at least one network server to which said computer is connected, wherein said lock control device controls access to said network server from said computer.

8. (cancelled)

9. (previously presented) A method for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said method comprising:

timing a period during which said equipment receives no user input through a keyboard or mouse, and placing said equipment or a resource available through said equipment into a locked state upon elapse of a pre-determined period during which no user input through a keyboard or mouse is received; and

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re-enabling operation of said piece of office equipment or a resource available through that office equipment to an authorized user upon presentation of an identifier of said authorized user to a sensor of a lock control device connected to said piece of office equipment, wherein said sensor senses and recognizes said identifier to identify said authorized user.

10. (original) The method of claim 9, wherein said piece of office equipment is a computer or computer terminal.

11. (original) The method of claim 9, further comprising using a proximity card sensor as said lock control device.

12. (original) The method of claim 9, further comprising using a magnetic card reader as said lock control device.

13. (previously presented) The method of claim 10, further comprising connecting said lock control device to said computer or computer terminal via a connector that also connects a keyboard to said computer or computer terminal.

14. (previously presented) The method of claim 10, further comprising accessing a particular application residing on said computer or accessible through said computer terminal by presenting an identifier of said authorized user to said sensor of said lock control device.

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15. (previously presented) The method of claim 10, further comprising accessing a network server on a computer network to which said computer is connected by presenting said identifier of said authorized user to said lock control device.

16. (original) The method of claim 10, further comprising:
timing periods during which said computer or computer terminal receives no user input;
locking up or logging out said computer upon elapse of a pre-determined period during which no user input is received; and
unlocking or logging in said computer upon operation of said lock control device.

17-20. (cancelled)

21. (previously presented) The system of claim 2, wherein a user initially unlocks said computer or computer terminal with entry of at least one password, said lock control device then allowing said user to subsequently unlock said computer or computer terminal by presentation of said user identifier rather than re-entry of said at least one password.

22. (previously presented) A system for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said system comprising:

a piece of office equipment comprising a timer for timing periods during which said equipment receives no user input, wherein said equipment automatically enters a locked state

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upon elapse of a first predetermined period of time during which no user input is received;
and

a lock control device connected to said piece of office equipment, wherein said lock control device is configured to unlock said piece of office equipment upon presentation of an identifier of an authorized user to a sensor of said lock control device, said sensor sensing and recognizing said identifier to identify said authorized user,

wherein a user initially unlocks said piece of office equipment with entry of at least one password; and

wherein said lock control device then allows said user to unlock said piece of office equipment with presentation of said identifier and without re-entry of said at least one password, said lock control device being active to unlock said piece of office equipment during a second predetermined period of time following entry of said at least one password, with re-entry of said password being required to unlock said piece of office equipment after elapse of said second predetermined period of time, said second predetermined period of time being longer than said first predetermined period of time.

23. (previously presented) A system for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said system comprising:

a piece of office equipment comprising a timer for timing periods during which said equipment receives no user input, wherein said equipment automatically enters a locked state upon elapse of a pre-determined period measured by said timer during which no user input is received; and

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a lock control device connected to said piece of office equipment, wherein said lock control device is activated to unlock said equipment upon presentation of an identifier of an authorized user to a sensor of said lock control device, said sensor sensing and recognizing said identifier to identify said authorized user,

wherein said lock control device controls user operation of said office equipment by selectively enabling operation of said office equipment or a resource available through that office equipment based on sensing and recognizing said identifier of said authorized user;

wherein said identifier comprises a credit card.

24. (previously presented) The system of claim 1, wherein said identifier comprises a biological characteristic of said user.

25. (previously presented) The method of claim 10, further comprising:
initially unlocking said computer or computer terminal with entry of at least one password; and

allowing a user to subsequently unlock said computer or computer terminal by presentation of said user identifier rather than re-entry of said at least one password.

26. (previously presented) A method for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said method comprising:

timing a period during which said equipment receives no user input and placing said equipment or a resource available through said equipment into a locked state upon elapse of a first predetermined period during which no user input is received; and

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re-enabling operation of said piece of office equipment or a resource available through that office equipment to an authorized user upon presentation of an identifier of said authorized user to a sensor of a lock control device connected to said piece of office equipment, wherein said sensor senses and recognizes said identifier to identify said authorized user;

said method further comprising:

initially unlocking said piece of office equipment with entry of at least one password;

allowing a user to subsequently unlock said piece of office equipment by presentation of said user identifier rather than re-entry of said at least one password; and

unlocking said piece of office equipment with said identifier for a second predetermined period after entry of said at least one password, with re-entry of said password being required to unlock said piece of office equipment after elapse of said second predetermined period of time, said second predetermined period of time being longer than said first predetermined period of time.

27. (previously presented) A method for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said method comprising:

timing a period during which said equipment receives no user input and placing said equipment or a resource available through said equipment into a locked state upon elapse of a pre-determined period during which no user input is received; and

re-enabling operation of said piece of office equipment or a resource available through that office equipment to an authorized user upon presentation of an identifier of said authorized user to a sensor of a lock control device connected to said piece of office

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equipment, wherein said sensor senses and recognizes said identifier to identify said authorized user;

wherein said identifier comprises a credit card.

28. (previously presented) The method of claim 9, wherein said identifier comprises a biological characteristic of said user.

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IX. Evidence Appendix

None

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X. Related Proceedings Appendix

None

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XI. Certificate of Service

None